



Local Programs Procedures

LPP 94-07

Lump Sum Project Listing for Conformity-Exempt Projects in Metropolitan Transportation Plans and Transportation Improvement Programs (TIPs)

Reference: Section 176 (c)(4) of the Clean Air Act as Amended in 1990
1991 Intermodal Surface Transportation Act (ISTEA)
Code of Federal Regulations 40 CFR 93, 23 CFR 450

Effective Date: May 20, 1994 Approved: _____ ***Original Signed By***
Chief, Office of Local Programs

This procedure clarifies policy on air quality conformity requirements and methods for inclusion of certain conformity-exempt projects in Transportation Improvement Programs (TIP). This revision will be incorporated into the Local Programs Manual during the next update.

EXISTING PROCEDURES

Past interpretations of the Clean Air Act and the Intermodal Surface Transportation Efficiency Act (ISTEA) have caused local agencies to separately list railroad/highway grade crossing projects, hazard elimination projects, pavement preventive maintenance projects, and other small, conformity-exempt projects in their TIPs.

Currently, because of this project-by-project listing, local agencies have to wait up to six months to go through the TIP process before their project can be amended into the TIP. This lengthy process has not only caused delays to processing projects, it also has placed restrictions on local agencies in handling projects. Once the projects are submitted through the TIP, local agencies cannot make any changes and they cannot substitute or add projects even when additional funding is available until a TIP amendment is approved.

LPP 94-07

Lump Sum Listing for Conformity-Exempt Projects

Page 2

NEW PROCEDURES

The Code of Federal Regulations, Sections 40 CFR 51 and 40 CFR 93, as modified on December 27, 1993, establishes the criteria and procedures for determining that projects conform with federal air quality implementation plans (see Federal Register, Wednesday, November 24, 1993).

The revised regulations establish a category of projects (referred to as Table 2 Exempt Projects – listed below) which, based on a recent clarification from FHWA, may be excluded from project-specific listing in Metropolitan Transportation Plans and TIPs. This exemption does not apply to Table 2 projects if the MPO in consultation with other state and federal agencies, under the interagency consultation requirements, concurs that the project has potentially adverse emissions impacts for any reason (See 40 CFR 51.460).

Funding for Table 2 projects (except for some Emergency Relief projects, see LPP 94-03) still must be listed in TIPs to meet the programming requirements under ISTEA, but that requirement may be fulfilled by an appropriate lump sum listing with the exception of Mass Transit projects. Mass Transit projects shall still require separate line item listing in the TIP, for programming purposes, with certain minor exceptions. For information on the exceptions contact the Federal Transit Authority.

Table 2 -Exempt Projects

SAFETY

- Railroad/highway crossing
- Hazard elimination program
- Safer nonfederal-aid system roads
- Shoulder improvements
- Increasing sight distance
- Safety improvement program
- Traffic control devices and operating assistance other than signalization projects
- Railroad/highway crossing warning devices
- Guardrails, median barriers, crash cushions
- Pavement resurfacing and/or rehabilitation
- Pavement marking demonstration
- Emergency relief
- Fencing
- Skid treatments
- Safety roadside rest areas

Adding medians
Truck climbing lanes outside the urbanized area
Lighting improvements
Widening narrow pavements or reconstructing bridges (no additional travel lanes)
Emergency truck pullovers

MASS TRANSIT

Operating assistance to transit agencies
Purchase of support vehicles
Rehabilitation of transit vehicles
Purchase of office, shop, and operating equipment for existing facilities
Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.)
Construction or renovation of power, signal, and communications systems
Construction of small passenger shelters and information kiosks
Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)
Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way
Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet
Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR 771

AIR QUALITY

Continuation of ridesharing and vanpooling promotion activities at current levels
Bicycle and pedestrian facilities

OTHER

Specific activities which do not involve or lead directly to construction, such as:
Planning and technical studies
Grants for training and research programs
Planning activities conducted pursuant to titles 23 and 49 U.S.C
Federal-aid systems revisions

Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action
Noise attenuation
Advance land acquisitions (23 CFR 712 or 23 CFR 771)
Acquisition of scenic easements
Plantings, landscaping, etc.
Sign removal
Directional and informational signs
Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities)
Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes

Additional regulation allows certain types of regional transportation projects to be exempted from regional emissions analyses. These project types are listed in Table 3 below. The local effects of these projects with respect to CO or PM10 concentrations must be considered to determine if hot-spot analysis is required prior to making a project-level conformity determination. If a local agency determines a hot-spot analysis is not required, the local agencies can then proceed with the project development process and place those eligible projects for exemption under the appropriate "lump sum" listing. However, the exemption clause does not apply to those projects when the MPO, in consultation with other state and federal agencies under the interagency consultation conformity requirements, concurs that the project has potentially adverse emissions impacts for any reason.

Table 3. - Projects Exempt From Regional Emissions Analyses

Intersection channelization projects
Intersection signalization projects at individual intersections
Interchange reconfiguration projects
Changes in vertical and horizontal alignment
Truck size and weight inspection stations
Bus terminals and transfer points

In the interest of saving time and reducing paperwork, the Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs) are encouraged by Caltrans, FHWA and EPA to use lump sum listings for projects included in Tables 2 and 3. As opposed to the time consuming individual project listing process, the lump sum listing option allows the local agencies to add or delete projects or change project scope/cost within the lump sum category without processing a TIP amendment. The projects may be grouped in categories appropriate to the size of the regional program. MPOs and RTPAs needing help in determining appropriate lump sum categories should contact their Caltrans' District Local Assistance Engineer.

Regardless of whether a project is listed in Table 2 or 3, a NEPA document is required for all

LPP 94-07**Lump Sum Listing for Conformity-Exempt Projects****Page 5**

federal-aid transportation projects prior to authorization to begin design, right-of-way acquisition and/or construction. A majority of the Table 2 and 3 projects will be covered by a programmatic categorical exclusion (CE) approved by Caltrans under the Caltrans/FHWA Stewardship Program. A few Table 2 and 3 projects will require NEPA document approval by FHWA and/or FTA.